



ARTICLE II

City Commission

*Chapter 3 in the current
Charter of NSB*



INTENT

To detail all issues that pertain to the central governing body of the City of New Smyrna Beach.



Section Descriptions

- Section 2.01 describes the city's governing body as a City Commission consisting of five citizens and provides for the appointment of a chief administrative officer known as the City Manager. This is unchanged from the current Charter.
- Section 2.02 provides for four commissioners serving staggered four-year terms representing a Zone in which he or she must live. These sections also provide for a Mayor, the fifth member of the City Commission, who runs at large and serves a two-year term. All are subject to a city-wide vote.
- Section 2.03 outlines the powers and duties of the Commission and adds a new requirement that the City Commission must conduct annual performance reviews on the Charter Officers: the City Manager, the City Attorney and the City Clerk.
- Section 2.04 addresses the qualifications for Commission members including residency in both in the City and in the Zone for which they are qualifying. The reference in the current charter for canvassing for office among voters as part of the candidate application process was deleted.

Section Descriptions

- Section 2.05 sets forth what the Mayor and Commissioners cannot do such as holding a 2nd elected office, be employed by the City, nor accept emoluments. Also prohibited is interference in the delegation of responsibility of the City Manager for staff appointments and oversight of staff.
- Section 2.06 pertains to Forfeiture of Office and lists the following infractions that would cause a forfeiture to take place:

Failure to meet residency requirement	Conviction of a crime
Violation of the Charter	Missing 3 consecutive meetings
- Section 2.07 is a new section detailing the forfeiture process.
- Section 2.08 outlines how vacancies on the Commission can be filled. If a vacancy occurs 120 days before an election, the position is left unfilled. If there are more than 120 day left before an election, the City Commission can appoint any qualified resident to fill the time remaining in the unexpired term.



Section Descriptions

- Section 2.09 gives the Commission power to initiate investigations into all departments of the local government structure.
- Section 2.10 directs how the city Commission organizes following biannual elections including the choice of a vice-mayor
- Section 2.11 gives the City Commission the power to determine the salary both of Commissioners and Mayor by ordinance.
- Section 2.12 continues the practice of requiring that three members of the City Commission are needed to adopt any ordinance or motion by a yes or no vote recorded in the minutes. Note that passage is not worded as a majority of those members present.
- Section 2.13 Outlines the function of the Mayor and is unchanged from the current Charter with one exception: a requirement that the Mayor must deliver in a public meeting an annual State of the City address.

Additions & Deletions

- ▶ Fourteen lines of Section 2.03 were deleted for redundancy and new language was added
- ▶ Thirteen lines of Section 2.04 were deleted pertaining to canvassing as a qualifying requirement for filing for City Commission and the prohibition against holding two offices.
- ▶ Section 2.05 is a new section that presents a detailed outline of prohibitions that pertain to the Mayor and City Commissioners including holding other offices.
- ▶ Sections 2.06 and 2.07 are new additions specific to the disposition of charges against a City Commissioner by the City Commission. This was added as courts have failed to prosecute in the absence of Charter language, specificity on the conduct of forfeiture procedures.
- ▶ Sections 2.08, 2.09, 2.10, 2.11 and 2.12 were added because clarity is either absent in the city's current Charter or established practices have not been supported by Charter language.